

AMENDED IN ASSEMBLY MAY 6, 2008
AMENDED IN ASSEMBLY APRIL 10, 2008
AMENDED IN ASSEMBLY APRIL 2, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2904

Introduced by Assembly Member Hayashi

February 22, 2008

An act to add Section 16502.5 to the Welfare and Institutions Code, relating to county child welfare services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2904, as amended, Hayashi. County child welfare services: mortality review.

Existing law requires counties to establish and maintain specialized entities within the county welfare department to provide child welfare services.

This bill would allow a county board of supervisors to receive and review certain information relating to the death of a child who ~~was receiving county child welfare services~~ *had previously come to the attention of, or was under the supervision of, the county child welfare agency*, if specified conditions relating to abuse and neglect are met.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

1 (a) In order to execute their responsibilities in overseeing the
 2 administration of the child welfare services and foster care
 3 programs, county boards of supervisors have a compelling interest
 4 in accessing case information when a child ~~in protective custody,~~
 5 *who has previously come to the attention of, or was in the*
 6 *protective custody of, the county child welfare agency,* dies due to
 7 neglect or abuse.

8 (b) It is the intent of the Legislature to clarify that boards of
 9 supervisors may access otherwise confidential case information
 10 when a child who is in the custody of child welfare services or the
 11 foster care system in their county dies due to neglect or abuse.

12 SEC. 2. Section 16502.5 is added to the Welfare and
 13 Institutions Code, to read:

14 16502.5. (a) Notwithstanding any other provision of law, a
 15 county board of supervisors may receive and review any records
 16 in the custody of the juvenile court, ~~law enforcement agencies,~~ or
 17 any other involved county agencies ~~relating to the death of a child~~
 18 ~~who was receiving county child welfare services~~ *relating to a child*
 19 *who has died and who had previously come to the attention of, or*
 20 *was under the supervision of, the county child welfare agency,*
 21 when one or more of the following conditions ~~are~~ *is* met:

22 (1) A county child protective services agency determines that
 23 the abuse or neglect was substantiated.

24 (2) A law enforcement investigation concludes that the child
 25 had suffered abuse or neglect.

26 (3) A medical examiner or coroner concludes that the child had
 27 suffered abuse or neglect.

28 (b) The board may only receive and review the information in
 29 closed session.

30 (c) The board or its members may not disclose or release any
 31 information obtained pursuant to subdivision (a), unless otherwise
 32 permitted by law, and shall be bound by all state and federal
 33 confidentiality laws.